

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

Appeal (Lodging) No. 1036 of 2005

In

Chamber Summons No. 434 of 2004

In

Summary suit No. 1538 of 2004

Mr. Hem Desai

.. Appellant

V/s.

Joglekar Refractories &
Ceramics Pvt. Ltd.

.. Respondent

Mr. D.D. Madon, Sr. Advocate i/b. M/s. Singhi &
Co. for the Appellant

Mr. Sanjay Jain i/b. M/s. Vinod Mistry & Co. for the
Respondent

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.

DATED : 27.10.2005.

P.C.:-

1. Heard the learned counsel for the Appellant and the Respondent. By this Appeal, the Appellant-Original Defendant is challenging the order dated 31.8.2005 passed by the learned Single Judge, dismissing the Chamber Summons taken out by the Defendant for revocation of the leave under clause XII of the Letters Patent Appeal.

2. We have perused the order dated 31.8.2005, wherein the learned Single Judge has observed that the material part of cause of action has arisen in Bombay and that even the Court at Ahmedabad may have jurisdiction but in view of the fact that the material part of cause of action arose in Bombay, has declined to revoke the leave under clause XII of the Letters Patent Appeal.

(2)

Averments in paragraph nos. 4 and 5 of the Plaint make it clear that the negotiations had taken place for the purpose of arriving at a contract, in Bombay. Even part of the contract took place in Bombay.

3. Under these circumstances, we do not find any error in the order of the learned Single Judge, dismissing the above Chamber Summons, hence the Appeal stands dismissed.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)